



STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL
PO Box 43172 • Olympia, Washington 98504-3172

November 21, 2014

Dear Interested Persons:

Subject: Notice of Schedule for Response Documents to a Petition for a Declaratory Order -
Westway Terminal Company and Imperium Terminal Services

The Energy Facility Site Evaluation Council (EFSEC) is reviewing a petition for a declaratory order regarding jurisdiction for the Westway Terminal Company and Imperium Terminal Services, two separate proposed crude by rail facilities located in Grays Harbor County.

The petition can be viewed at: <http://www.efsec.wa.gov>. Sections of the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC) pertaining to declaratory orders are: [RCW 34.05.240](#); [WAC 10-08-251](#) and [252](#); [WAC 463-34-070](#), [080](#) and [090](#).

Background: On November 3, 2014 EFSEC received a petition for a declaratory order from Kristen L. Boyles of Earthjustice, representing the Quinault Indian Nation. The petition requests EFSEC issue a declaratory order that it has jurisdiction over the Westway and Imperium facilities. The Westway and Imperium facilities are currently undergoing State Environmental Policy Act review by co-lead agencies the Department of Ecology and City of Hoquiam.

Notice announcing receipt of the petition was issued on November 14, 2014. The petition was discussed at the November 18, 2014 monthly EFSEC meeting and at a special EFSEC meeting on November 21, 2014.

During the November 21 meeting, EFSEC approved a process and schedule to identify persons who fall within the scope of RCW 34.05.240 (7) and who object to entry of a declaratory order. Persons who have a statutory right to object under RCW 34.05.240 (7) and wish to do so, must file an objection with EFSEC by December 12, 2014, demonstrating that they are a necessary party and that their rights would be substantially prejudiced by entry of a declaratory order. Responses to such objections must be filed by December 17, 2014 and replies must be filed by December 22, 2014. Documents must be received in the EFSEC office by close of business on the dates listed. All documents received will be posted on the EFSEC website.

At the November 21 meeting, EFSEC also selected from among the options in RCW 34.05.240 (5) by choosing to set the matter for specified proceedings. If no proper objections are filed pursuant to RCW 34.05.240 (7), initial briefs in support of the petition for a declaratory order must be filed in early January 2015, response briefs must be filed 10 days later, reply briefs must be filed 5 days after response briefs are filed, and oral arguments will be heard on February 2, 2015. A more specific briefing schedule will be set at a future date.

Sincerely,

/s/

Stephen Posner
EFSEC Manager